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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/625,108	07/25/2000	Steven D. Barnes	END92000 0026US1	7350
44755	7590	11/16/2004	EXAMINER	
SHELLEY M. BECKSTRAND 61 GLENMONT ROAD WOODLAWN, VA 24381			ROBINSON BOYCE, AKIBA K	
			ART UNIT	PAPER NUMBER

3623

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/625,108

Applicant(s)

BARNES ET AL.

Examiner

Akiba K Robinson-Boyce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 13-26 and 29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 13-26 and 29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/30/04 has been entered.

### ***Status of Claims***

1. Due to communications filed on 7/30/04, the following is a non-final office action. Claims 1, 13, 26, and 29 have been amended. Claim 28 has been cancelled. Claims 7-12, 27 and 30 were withdrawn during an election for a restriction requirement filed 11/4/03. Claims 1-6, 13-26 and 29 remain pending and have been examined on the merits. The previous rejection has been withdrawn, and the following action reflects the claims as amended.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 13-15, 17, 29 are rejected under 35 U.S.C. 103(a) as being obvious over Guheen et al (US 6,615,166).

As per claims 13, 17, 29, Guheen et al discloses:

a set of process descriptions for describing how to create each of a plurality of hardware, software, and process components comprising application solutions/said process description describing how to develop said specific project, (Col. 49, line 60- Col. 50, line 1, shows that the environment consists of hardware, software, and processes, Col. 55, lines 31-40, shows that the introduction of versions of hardware and system software includes products supplied information, Col. 41, lines 31-38, developing a process description);

a set of work product descriptions/said work product descriptions for defining a set of said components comprising application solution, (Col. 182, lines 60-65, Col. 128, lines 26-28, [description of product, brief description of the product]);

at least one engagement model collecting at least one said process description and at least one said work product description...into a model for implementing a typical project addressing a type of marketplace requirement, (Col. 98, lines 63-67, shows data modeling tool chosen by the engagement team, w/ Col. 175, lines 28-32, shows choice of varying business models allows a competitive electronic commerce marketplace, col. 175, lines 48-57, shows that present invention allows for stipulation of business requirements, Col. 102, lines 25-33, requirements model represents the engagement model since this model summarizes the relationship between data and processes, where data includes product descriptions, in addition, Guheen et al also describes an

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integration platform ( part of the MAP model) that integrates data generation (includes product descriptions) and event processing to come up with a total solution in Col. 159, lines 45-66),

building a database of engagement models which will be used to address said market requirement, (Col. 98, lines 63-67, Col. 175, lines 28-32, shows data modeling tool chosen by the engagement team, allowing a competitive electronic commerce marketplace, col. 98, lines 2-5, also shows that the data model is used for database design),

developing a definition of client requirements, (col. 96, lines 6-11, shows system requirements in a client server system),

and an attack hypothesis for addressing said client requirements, (col. 74, lines 20-24, shows precautions used against service attacks),

by selecting from said database an appropriate engagement model for addressing said client requirements and defining a fit parameter, (col. 127, lines 63-67, shows selection of baseline databases and developing the test model from these databases utilizing said engagement model to create an engagement template which specifically addresses client requirements within said market place, and Col. 110, lines 44-46, Col. 171, lines 51-62, Col. 274, lines 9-17 and lines 41-59, [shows standard design templates, requirements of one or more successive parties, and templates which reflect general requirements corresponding to that user]),

including adding, deleting and modifying work product descriptions and process descriptions ad required to optimize said fit parameter, (col. 111, lines 32-34, shows that

the physical data model may change for optimization purposes, in this case changing includes any form of modification like adding or deleting),

measuring, monitoring and controlling client engagements based upon said engagement template, (Col. 90, lines 48-54, planning/designing, monitoring and interfacing with the change control system]],

including utilizing said engagement templates to define and collect metrics, (col. 181, lines 54-57, shows use of and monitoring of metrics),

including risk parameters, (col. 104, lines 37-43, shows use of default risks to define criteria),

cost parameters, (col. 129, lines 56-62, identifying costs used),

and customer satisfaction parameters, (Col. 81, lines 43-45, customer satisfaction),

across a plurality of engagement models and responsive to said metrics, managing a family of said engagement models, including adjusting market attack plans and allocation of constrained resources responsive to said family of engagement models, (Col. 274, line 54-Col. 275, line 11, shows use of templates and reconfiguration that reflects adaptation to new industries that market products, col. 171, lines 48-56, where it is shown that application models are shaped by WAF templates).

a computer useable medium having computer readable program code means embodied therein, (Col. 292, lines 19-21, [computer program embodied on a computer readable medium]):

computer readable program code means for causing a computer to effect providing a set of process descriptions, (Col. 41, lines 31-38, [developing a process description]);

Guheen et al does not specifically disclose only "a three phase process" comprising a first phase, a second phase and a third phase, however does disclose the integration of multiple phases of a development process in order to come up with a total solution in Col. 159, lines 45-66. Even though Guheen et al does discloses more than three phases, each of the phases described by the present invention are disclosed as described above in the rejection.

It would have been obvious to one of ordinary skill in the art at the time of the present invention to disclose "a three phase process" comprising a first phase, a second phase and a third phase with the motivation of describing the steps that need to be addressed for coming up with a final solution.

As per claim 14, Guheen et al discloses:

at least one engagement family including a plurality of said engagement models for addressing a family of typical projects, (Col. 31, lines 55-57, [family of related programs]).

As per claim 15, Guheen et al discloses:

a plurality of work product descriptions organized into a plurality of domains, each said domain being a logical grouping of said work product descriptions, (Col. 31, lines 57-64, [specific problems in a given domain]).

4. Claims 1, 2, 4, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guheen et al (6,615,166), and further in view of Dixon's article "Integrated Support For Project Management" as disclosed by applicant.

As per claims 1, 26, Guheen et al discloses:

building a database of engagement models based on best-of-breed concepts for addressing overall market place requirements, (col. 75, lines 62-67, shows best of breed approach used, col. 98, lines 2-5, shows data model used for database design);

developing a definition of client requirements, (col. 96, lines 6-11, shows system requirements in a client server system),

and an attack hypothesis for addressing said client requirements, (col. 74, lines 20-24, shows precautions used against service attacks),

by selecting from said database an appropriate engagement model for addressing said client requirements and defining a fit parameter, (col. 127, lines 63-67, shows selection of baseline databases and developing the test model from these databases utilizing said engagement model to create an engagement template which specifically addresses client requirements within said market place, and Col. 110, lines 44-46, Col. 171, lines 51-62, Col. 274, lines 9-17 and lines 41-59, [shows standard design templates, requirements of one or more successive parties, and templates which reflect general requirements corresponding to that user]),

including adding, deleting and modifying work product descriptions and process descriptions and required to optimize said fit parameter, (col. 111, lines 32-34, shows that



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the physical data model may change for optimization purposes, in this case changing includes any form of modification like adding or deleting),

measuring, monitoring and controlling client engagements based upon said engagement template, (Col. 90, lines 48-54, planning/designing, monitoring and interfacing with the change control system]),

including utilizing said engagement templates to define and collect metrics, (col. 181, lines 54-57, shows use of and monitoring of metrics),

including risk parameters, (col. 104, lines 37-43, shows use of default risks to define criteria),

cost parameters, (col. 129, lines 56-62, identifying costs used),

and customer satisfaction parameters, (Col. 81, lines 43-45, customer satisfaction),

across a plurality of engagement models and responsive to said metrics, managing a family of said engagement models, including adjusting market attack plans and allocation of constrained resources responsive to said family of engagement models, (Col. 274, line 54-Col. 275, line 11, shows use of templates and reconfiguration that reflects adaptation to new industries that market products, col. 171, lines 48-56, where it is shown that application models are shaped by WAF templates).

program storage device readable by a machine, tangibly embodying a program of instructions executable by a machine to perform method steps, (Col. 292, lines 19-21, [computer program embodied on a computer readable medium]):

Guheen et al does not specifically disclose only "a three phase process" comprising a first phase, a second phase and a third phase, however does disclose the integration of multiple phases of a development process in order to come up with a total solution in Col. 159, lines 45-66. Even though Guheen et al does discloses more than three phases, each of the phases described by the present invention are disclosed as described above in the rejection.

It would have been obvious to one of ordinary skill in the art at the time of the present invention to disclose "a three phase process" comprising a first phase, a second phase and a third phase with the motivation of describing the steps that need to be addressed for coming up with a final solution.

Guheen et al fails to disclose separating work product descriptions from process descriptions, but does disclose using work product and processes in an engagement model and an engagement template in a three phase process as described above, and as shown in Fig 1Z. Product descriptions are shown in the chart that begins in Col.'s 13-14 and process descriptions under product details are shown under process manager in Col.'s 23-24. In addition, Col. 102, lines 25-32 shows a requirements model that the engagement team uses for summarizing the relationship between events, data, and processes; this model represents the engagement model.

However Dixon discloses separating work product descriptions from process descriptions and relating them through an engagement model and an engagement template by a three-phase process on Page 51, col. 2, under **Work Breakdown**. Here work product descriptions are shown under *Modular Decomposition* where the target

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product is broken down into component parts and activities are defined to produce the component part. In addition, on page 51, col. 2, process descriptions are represented by the description under *Sequential Refinement*, where activities are defined to produce the intermediate products needed to progress to the task's final goal. In addition, process descriptions are also represented by a single *Activity Hierarchy* and work product descriptions are represented by a number of *Product Hierarchies* on Page 51, Col. 2. On page 52, Col. 1, after the 2<sup>nd</sup> paragraph, the products and processes are shown to be related through a three phase process where phase 1 is to product intermediate architectural design, phase 2 is the initial detailed design and phase 3 is the final detailed design. In this case, the product and processes are related by defining the activities in terms of products as shown on page 52, paragraph 2. Dixon discloses this limitation in an analogous art for the purpose of showing the details of how components in project management can be broken down according to products and processes.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to separate work product descriptions from process descriptions and relate them through an engagement model with the motivation of separately modeling products and processes.

As per claim 2, Guheen et al discloses:

said first phase further comprising the steps of:

enabling a generic engagement model for addressing said market place requirements, (Col. 177, lines 30-31 and line 40, [where generic content model id shown to contribute to the configurability of the invention]; and

generating work product descriptions specified by said engagement model, (Col. 182, lines 60-65, Col. 128, lines 26-28, description of product, brief description of the product).

As per claim 4, Guheen et al discloses:

said second phase further including the steps of:

creating an engagement template personalized to a specific client engagement from said engagement model, (Col. 210, lines 32-35, custom template based publishing);

creating attack, resource, and deployment plans for said specific client engagement using said engagement template, (Col. 17, see Product4 Product Suite, Product4 SPF-200, protecting an organization from internet attacks, Col. 73, lines 47-51, network assessment for preventing an attack on the network, Col. 38, lines 3-4, ensuring resources are used effectively. Col. 23, [See Other Business, Products, Process Manager where the development and deployment of processes are supported).

5. Claims 3, 5, 6, are rejected under 35 U.S.C. 103(a) as being unpatentable over Guheen et al (US 6,615,166), and further in view of Dixon's article "Integrated Support For Project Management" as disclosed by applicant, and further in view of Bowman-Amuah (US 6,615,199).

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As per claim 3, neither Guheen et al nor Dixon disclose the following, however Bowman-Amuah discloses:

said generic engagement mode including definitions of best practices and reusable assets, (Col. 25, lines 3-4, best practices, Col. 124, lines 66-67, reusable, enterprise software assets).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include definitions of best practices and reusable assets with the motivation of giving the option to utilize methods that would optimize the engagement process.

As per claim 5, neither Guheen et al nor Dixon disclose the following, however Bowman-Amuah discloses:

said third phase further including the step of:

cyclically redefining said engagement template while deploying said work product descriptions and process descriptions to said client engagement, (Col. 189, lines 55-62, redefining).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to use cyclical redefinition with the motivation of constantly having definitions available for use when completing engagement processes.

As per claim 6, Guheen et al discloses:

said third phase further including the steps of:

monitoring performance of said client engagement, (Col. 157, lines 5-8, monitor and correct system's performance);

and based upon said performance, allocating resources to further attack said marketplace requirement, (Col. 157, lines 11-14, forecasting future requirements and providing input into the financial planning process).

6. Claims 16, 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guheen et al (US 6,615,166), and further in view of Bowman-Amuah (US 6,615,199).

As per claim 16, Guheen et al discloses:

said domains including an application domain, (Col. 30, lines 22-26, specific application domain), an architecture domain, (Col. 152, lines 45-54, old and new architecture domains), a business domain, (Col. 96, lines 36-42, business components isolated to reflect the analysis performed in the domain),

Guheen fails to disclose the following, however Bowman –Amuah discloses:

an engagement domain, (Col. 184, lines 59-67, component engagements in the domain model], an organization domain, (Col. 128, lines 27-32, organization business domain), and an operations domain, (Col. 281, lines 27-32, domain object for an operation).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate an engagement domain, an organization domain and an operations domain with the motivation of writing the proper attributes to the correct process.

As per claim 20, Guheen et al discloses:

said application domain organizing work product descriptions relating to the design, development and testing of computer software components, applications and systems, (Col. 30, lines 26-30, specific application domain).

As per claim 21, Guheen et al discloses:

said architecture domain organizing work product descriptions relating to the architecture of an information technology system for addressing business and infrastructure requirements, (Col. 152, lines 45-54, rollout planning in an architecture domain).

As per claim 22, Guheen et al discloses:

said business domain organizing work product descriptions relating to the structured investigation of current and desired situations with a client' business, (Col. 96, lines 62-67, data modeling for graphically developing the logical and physical data requirements).

As per claim 23, Guheen et al fails to disclose the following, however, Bowman-Amuah discloses:

said engagement domain organizing work product descriptions relating to project management and technical delivery for projects worldwide, (Col. 184, lines 59-67, component engagements in the domain model).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to utilize an engagement domain with the motivation of producing optimal organization for engagement processes.

As per claim 24, Guheen et al fails to disclose the following, however, Bowman-Amuah discloses:

Said organization domain organizing work product descriptions relating to technology based business transformations using systematically defined organization analysis and design and change management practices, (Col. 128, lines 27-32, organization business domain).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to utilize an organization domain with the motivation of producing optimal organization for organization processes.

As per claim 25, Guheen et al fails to disclose the following, however, Bowman-Amuah discloses:

said operations domain organizing work product descriptions relating to the execution and management of information technology services and resources and to the protection of information technology assets, (Col. 281, lines 27-32, domain object for an operation).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to utilize an operations domain with the motivation of producing optimal organization for operation processes.

7. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guheen et al (US 6,615,166).

As per claim 18, Guheen et al discloses:



said process descriptions further comprising...task descriptions, (Col. 139, lines 38-43, task descriptions).

Guheen et al fails to disclose the following, however the following is obvious with Guheen et al since task descriptions are already disclosed and a task description includes a phase and an activity:

phase descriptions, activity descriptions...

As per claim 19, Guheen et al discloses:

further comprising at least one engagement template derived from one of said engagement models for defining said work product descriptions and said process descriptions for a specific engagement project, (Col. 110, lines 44-46, Col. 171, lines 51-62, Col. 274, lines 9-17 and lines 41-59, standard design templates, requirements of one or more successive parties, templates which reflect general requirements corresponding to that user).

### ***Response to Arguments***

8. Applicant's arguments filed 7/30/04 have been fully considered but they are not persuasive.

As per claims 13-15, 17 and 29, the applicant argues that Guheen et al do not describe separating work product descriptions from process descriptions, and then relating them through the three phase process as described in the newly amended claims. However, Guheen et al separately describes both work product descriptions and process descriptions. In Col. 41, lines 31-38, Guheen et al shows the development of a process description, and in Col. 182, lines 60-65, and also Col. 128, lines 26-28,

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Guheen et al shows a brief description of the product. In addition, product details are shown in the Table that begins on Col.'s 13-14 of Guheen et al. The limitation of relating them through a three phase process is shown in the rejection above. As shown, Guheen et al discloses a first phase where a data model is used for database design in col. 98, lines 2-5. Then, in a second phase, Guheen et al shows the usage of system requirements in a client server system in col. 96, lines 6-11. In col. 74, lines 20-24, Guheen et al shows precautions used against service attacks, and in col. 127, lines 63-67, shows selection of baseline databases and developing the test model from these databases. Guheen et al then goes on to show standard design templates, requirements of one or more successive parties, templates which reflect general requirements corresponding to that user in Col. 110, lines 44-46, Col. 171, lines 51-62, Col. 274, lines 9-17 and lines 41-59, and also shows physical data model may change for optimization purposes in col. 111, lines 32-34. Then in a third phase, Guheen et al shows use of and monitoring of metrics in col. 181, lines 54-57 and in Col. 274, line 54-Col. 275, line 11, shows use of templates and reconfiguration that reflects adaptation to new industries that market products. Then, in col. 171, lines 48-56, Guheen et al shows that application models are shaped by WAF templates. In addition, Guheen et al shows an integration model that integrates event processing and components of the architecture, which are the products to come up with a total solution in Col. 159, lines 45-66.

As per claims 14, 15 and 17, these claims depend from claim 13 and are similarly rejected.

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As per claims 1, 2, 4, 26, 3, 5, 6, 16 and 20-25, these claims have been amended, and are rejected accordingly as shown above.

**Conclusion**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 703-305-1340. The examiner can normally be reached on Monday-Tuesday 8:30am-5pm, and Wednesday, 8:30 am-12:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 . [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

*QRB*

A. R. B.  
November 8, 2004

  
TARIQ R. HAFIZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600